



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

NS:NEM
F. #2018R01519

*271 Cadman Plaza East
Brooklyn, New York 11201*

October 23, 2019

By Email and ECF

The Honorable Pamela K. Chen
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Luis Rivas
Criminal Docket No. 19-69 (PKC)

Dear Judge Chen:

On February 7, 2019, a grand jury in this District returned an indictment charging Luis Rivas, also known as “Inquieto” and “Kiko,” and others with assault in-aid-of racketeering, in violation of 18 U.S.C. § 1959(a)(3). This charge relates to a prison assault that the defendant committed as part of his membership in the violent transnational criminal organization La Mara Salvatrucha or “MS-13.” On June 4, 2019, Rivas pleaded guilty to the indictment. Sentencing in this matter is currently scheduled for November 27, 2019 at 10:00 am.

The government respectfully writes to advise the Court that on September 12, 2019, a grand jury sitting in this District returned an eighteen-count third superseding indictment in United States v. Amador-Rios, et al. (RRM). Among other things, this superseding indictment added Rivas to the Amador-Rios indictment and charged him with (1) racketeering, in violation of 18 U.S.C. § 1962(c); (2) possessing, brandishing and discharging a firearm during a crime of violence, in violation 18 U.S.C. § 924(c); (3) Hobbs Act robbery, in violation of 18 U.S.C. § 1951(a); (4) conspiracy to murder Julio Vasquez in-aid-of racketeering, in violation of 18 U.S.C. § 1959(a)(5); and (5) the murder of Julio Vasquez in aid-of-racketeering, in violation of 18 U.S.C. § 1959(a)(1). Rivas is alleged to have committed these crimes in connection with his membership and association with MS-13. Because Rivas has been charged with a death eligible offense, capital case counsel and learned counsel have been appointed for him in Amador-Rios. A determination of whether the death penalty will be sought against Rivas has not yet been made.

Counsel for Rivas in the above-captioned case has informed the government that he is unavailable on November 27, 2019. Counsel has further advised the government that he may request an adjournment of Rivas' sentencing in the above-captioned matter at least until a determination is made whether the government will seek the death penalty against Rivas.¹ To the extent that Rivas' counsel makes such a request, the government consents to an adjournment of Rivas' sentencing in Rivas until a decision is made whether he will face the death penalty in Amador-Rios.

Respectfully submitted,
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cc: David Gordon, Esq., (by email)

¹ If Rivas is convicted in Amador-Rios, Local Rule 50.3.2(b)(4) provides for the imposition of multiple sentences in cases before different district judges by one judge: "[i]f a defendant has been convicted in more than one case and the sentences are pending before different judges, each of the pending sentences shall be imposed by a single judge determined by all of the relevant judges to be best suited to do so."